

**KELLEY DRYE & WARREN LLP**

A LIMITED LIABILITY PARTNERSHIP

**101 PARK AVENUE  
NEW YORK, NY 10178**

(212) 808-7800

FACSIMILE

(212) 808-7897

www.kelleydrye.com

BARBARA E. HOEY

DIRECT LINE: (212) 808-7628

EMAIL: bhoey@kelleydrye.com

WASHINGTON, DC  
LOS ANGELES, CA  
CHICAGO, IL  
STAMFORD, CT  
PARSIPPANY, NJ

BRUSSELS, BELGIUM

AFFILIATE OFFICE  
MUMBAI, INDIA

March 30, 2016

**VIA ECF**

Chief Magistrate Judge Roanne L. Mann  
United States District Court for the  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *Ahmet Zaky v. AlphaCare of New York, et al.*  
No. 1:15-cv-05500 (RB) (RLM)

Dear Judge Mann:

I represent Defendants, and am in receipt of this Court's electronic order dated March 24, 2016 that this case is being reassigned to another Magistrate Judge. Upon review of the docket, that reassignment has not yet occurred, so Defendants are directing this correspondence to Your Honor with the understanding it will be handled by the new Magistrate Judge.

We write with regard to Plaintiff's letter of March 24, 2016 (filed at Docket Entry No. 18).

This Court's minute entry of March 16, 2016 (Docket Entry No. 16), directed the Plaintiff to show cause by March 21, 2016, why his attorney's motion to withdraw as counsel should not be granted. The Court held that Plaintiff is "further warned, if he wishes to prosecute his claims, he either will have to promptly locate substitute counsel or will have to return to New York to handle the case on a *pro se* basis."

In "response" to the Court's order, Mr. Zaky's March 24 letter makes it clear he does not intend to comply with the Court's order. Instead of responding by March 21 and locating substitute counsel or returning to the United States, Mr. Zaky informed the Court that he "may have to reside overseas for some time[]."

This case has been pending since **September 2015** and, because of Mr. Zaky, nothing has happened. Mr. Zaky has now disregarded/disobeyed the Court's orders twice. Mr. Zaky should not get an indefinite 'stay' in prosecuting this action while he is 'overseas.'

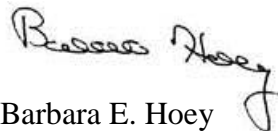
**KELLEY DRYE & WARREN LLP**

Chief Magistrate Judge Roanne L. Mann  
March 30, 2016  
Page Two

This is an affront to this Court and unfair to Defendants. This case should be dismissed. If Plaintiff refuses to be present in New York to prosecute this action, the Court should dismiss the action with prejudice.

Accordingly, Defendants respectfully request that this Court order that Mr. Zaky's Complaint be dismissed, with prejudice, if he does not appear in New York by April 20, 2016.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Barbara Hoey", with a stylized flourish at the end.

Barbara E. Hoey

cc: Walker G. Harman, Jr. (via ECF)  
Ahmed Zaky (via e-mail)